

# **EXHIBIT F**

**DECLARATION**

I, Mohammed Jahan, do hereby swear, affirm and attest under the penalties of perjury as follows, based upon my personal knowledge of the matters contained herein:

1. I am over the age of 18 and competent to testify to the matters stated in this declaration. I give this declaration voluntarily. I have not been promised any benefit, coerced or threatened in any manner in exchange for the testimony in this declaration.

2. I am currently employed at The 40/40 Club, located at 6 West 25<sup>th</sup> Street, New York, New York, as a manager. I have held this position since on or about January 2007. I previously worked for The 40/40 Club as a bartender from 2003 through January 2007.

3. I do not consider Shawn Carter to be my employer. I have never witnessed him exercise control over any personnel decisions at The 40/40 Club. To my knowledge, Mr. Carter does not interview employees, does not hire employees, does not set policies for the payment of wages, pay rates or the method of payment, and does not sign employees' paychecks. I have never witnessed Mr. Carter supervise or discipline employees, investigate complaints, or set employment policies or procedures.

4. I also do not consider Juan Perez to be my employer. I have never witnessed him exercise control over any personnel decisions at The 40/40 Club. To my knowledge, Mr. Perez does not interview employees, does not hire employees, does not set policies for the payment of wages, pay rates or the method of payment, and does not sign employees' paychecks. I have never witnessed Mr. Perez supervise or discipline employees, investigate complaints, or set employment policies or procedures.

5. At all times throughout my employment, I have been required to clock in and clock out to provide The 40/40 Club with an accurate record of my time worked. As soon as we arrive each day for work at the Club, we are required to clock-in by logging onto the computer system. We are required to punch out by logging out of the computer system before we leave the Club each night.

6. As a bartender, I typically worked four days per week, eight hours per workday.

7. I am not aware of any customer who has walked out of the Club without paying the bill. I have no knowledge of The 40/40 Club deducting from my wages or the wages of any other employee the amount of a bill because a customer walked out without paying.

8. The 40/40 Club has never deducted an amount from my wages due to breakage, spills, returns, wrong orders or anything similar. I have no knowledge of any such deductions being made from any other employee's wages.

9. I believe The 40/40 Club has paid me all wages to which I am entitled. I do not believe that I have been denied any minimum, overtime or other wages.

10. The 40/40 Club does not serve customers after 4:00 a.m., although the Club sometimes closes earlier during the week. I am not aware of any member of the wait-staff ever working until 6:00 a.m. In my experience, the wait-staff generally leaves the Club within half an hour of closing.

11. Since I have become a manager, I have not received tips.

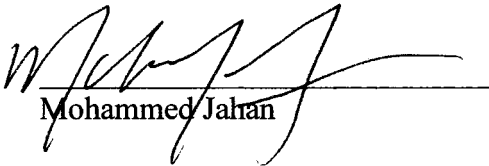
12. The 40/40 Club never retained any portion of my tips while I was employed as a bartender.

13. At the bar, a 20% tip is automatically added by the computer to each bill that is \$30 or over. When I received payments from customers as a bartender, I entered the amounts

paid into the cash register, less any cash tips that I was given. At the end of the night, I received a cash payment for my credit card tips from the Club. The Club never took possession of my tips.

14. This declaration was prepared by counsel for Twenty Ones, Inc. d/b/a The 40/40 Club based on an interview in which I voluntarily participated. I was advised that I could end the interview at any time. I have also been told by counsel for Twenty Ones Inc. that I should only sign this declaration if everything within it is true and correct to the best of my knowledge, information and belief. I have been given a full opportunity to review carefully this declaration I have been given a full opportunity to review carefully this declaration and freely make any corrections and additions of any kind. I verify that the information I have provided in this declaration is true and correct.

Pursuant to 28 U.S.C. § 1746, I verify under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct.

  
Mohammed Jahan

8/20/07  
Date